



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/520,668

09/19/2005

Richard Steven Lock

616-037

9399

22429 7590 05/31/2007
LOWE HAUPTMAN BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

EXAMINER

BELLINGER, JASON R

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

05/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,668

Applicant(s)

LOCK, RICHARD STEVEN

Examiner

Jason R. Bellinger

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the number of "spokes" being less than the number of wheel bolts, as set forth in claims 4 and 10; and a design being located between the hub cap shells, as set forth in claim 9; must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because the drawings are unclear. These drawings appear to be hand-drawn, with uneven line spacing, and lack sufficient details to clearly illustrate the invention.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 10'. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any

amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because it contains legal terms (see below). Furthermore, the term "centre" should be replaced with the term --center-- for clarity. Correction is required. See MPEP § 608.01(b).

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "comprises", "means", and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Non-rotating Wheel Cover" or "Non-rotating Hub Cover" or an equivalent.

7. The disclosure is objected to because of the following informalities: The terms "moulded" and "centre" should be replaced with the terms --molded-- and --center--, respectively for clarity.

It is believed that the term --unit-- should be inserted after the term "fixing" throughout the specification, in order to more clearly describe the invention.

Appropriate correction is required.

Claim Objections

8. Claims 1-2, 4, and 10 are objected to because of the following informalities: In claim 1, the term "centre" should be replaced with the term --center-- for clarity. Furthermore, the term "the" should be replaced with the term --a-- prior to the term "wheel" in line 5. The term "the" should be replaced with the term --an-- in line 6. These corrections are for grammatical clarity.

In claims 2, 4, and 10, the term "spokes" should be replaced with the term --legs-- or --prongs-- to more clearly define the invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

10. Claims 1-7, and 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5-7, and 11-13 are indefinite due to the fact that it is unclear what "" the term "fixing" is actually claiming. It is unclear whether this term is referring to an element of the invention, or an action performed on the invention. Based on the abstract, it is believed that inserting the term --unit-- after the term "fixing" would more clearly define the invention.

Claim 2 is indefinite due to the fact that the phrase "a corresponding aperture" is a second recitation of the "apertures". It is unclear whether the apertures previously set forth in claim 1, or an additional element of the invention, is being referred to in claim 2.

Claim 3 is indefinite due to the fact that it is unclear whether the phrase "the apertures" is referring to those previously set forth in claim 1 or claim 2.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Alaoui. As best understood, Alaoui shows a hubcap assembly including a "fixing unit", which attaches a cap unit 9 to a wheel 1. The "fixing unit" includes a mount 3, which is centrally aligned with a wheel axle, and includes at least one aperture 35 radially spaced from the wheel axle. A wheel bolt 2 is placed in the aperture 35 and the mount 3 is retained thereon by the nut portion 21. The cap unit 9 is weighted (by weight 91) to maintain its orientation relative to the ground despite rotation of the wheel 1. The mount 3 may include a plurality of legs or prongs 36 (see Figure 2A), which correspond to the apertures 35. Furthermore, the apertures 35 are shaped as forks.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alaoui in view of Marshall. Alaoui does not disclose that the number of legs/prongs is less than the number of wheel bolts. Marshall teaches the use of a wheel cover mount 90 including a number of legs/prongs 99 less than the number of wheel bolts (see Figures 7-8). Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the mount of Alaoui with a

Art Unit: 3617

mount having fewer legs/prongs than the number of wheel bolts, in order to reduce the complexity of the design, thus reducing manufacturing costs, and reducing the weight of the assembly.

15. Claims 5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alaoui in view of Hsiao et al. Alaoui shows the cap unit 9 being coupled to the "fixing unit" through a stub shaft 5, which passes into a bearing assembly 8. However, Alaoui does not show a clip for retaining the shaft in the bearing assembly.

In Figure 11, Hsiao et al teaches the use of a wheel cover secured to a mounting base through a stub shaft 272, which passes into a bearing assembly 234, with a clip 278 retaining the shaft 272 in the bearing assembly 234. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the wheel cover assembly of Alaoui with a clip for retaining the shaft in the bearing, as a substitute equivalent fastening arrangement, depending on availability and cost.

16. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alaoui in view of Looyen et al (WO 99/33675). Alaoui shows the cover unit 9 including an inner shell 92 and an outer shell 93 (which may include a design thereon) attached to the inner shell 92. However, Alaoui does not disclose the outer shell being transparent, with the design located between the inner and outer shells.

Looyen et al teaches the use of a cover unit having an inner shell 23, and outer transparent shell 8, and a design 25 located therebetween (see Figure 8). Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the cover unit of Alaoui in the manner taught by Looyen et al, for the purpose of protecting the design from damage due to contact with debris, etc. during operation.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered to show various rotating and/or non-rotating wheel covers. For example, Okamoto et al shows a non-rotating wheel cover.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason R Bellinger
Primary Examiner
Art Unit 3617

A handwritten signature in black ink, appearing to read 'JRB', is written over the printed name and title of the examiner.